

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

**BRIAN FOODY** hereby declares

That I am **President** and empowered to act on behalf of the small business concern:

**IOGEN CORPORATION**  
(Canada Federal Corporation)  
400 Hunt Club Road  
Ottawa, Ontario, Canada K1V 1C1

That the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

That rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to improvements by the inventors, **THERESA C. WHITE, SYLVIA McHUGH and CHRISTOPHER D. HINDLE**, and the application for United States Letters Patent that was filed on our behalf unsigned on **September 9, 1999** and now has been given application **Serial No. 09/392,476**, and being identified by the title, as follows:

**ENHANCED EXPRESSION OF PROTEINS IN  
GENETICALLY MODIFIED FUNGI**

and for which an **ASSIGNMENT** to Iogen Corporation also has been executed by the

inventors concurrently with the execution of a patent Declaration.

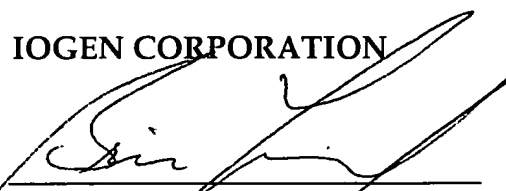
That if the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e); NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

☒ no such person, concern, or organization  
☐ persons, concerns or organizations listed below\*

That I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b); and

That I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**IOGEN CORPORATION**

Signature: 

By: **BRIAN FOODY, President**

Date : October 27 , 1999

Citizenship: Canada Federal Corporation

Post Office Address:

**400 Hunt Club Road  
Ottawa, Ontario, Canada K1V 1C1**

1039.2500CIP



Declaration/PATENT

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below-named joint inventors, WE each hereby declare that:

My residence, post office address and citizenship are as stated next to my name subscribed below;

I believe I am an original coinventor of the subject matter which is disclosed and claimed in the application for United States Letters Patent that was filed on my behalf unsigned on **September 9, 1999** and now has been given application **Serial No. 09/392,476**, and being identified by the title, as follows:

**ENHANCED EXPRESSION OF PROTEINS IN  
GENETICALLY MODIFIED FUNGI**

I hereby state that I have reviewed and understand the contents of the above-identified specification as filed, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

This is a continuation-in-part, and I hereby claim benefit under Title 35, United States Code, §120, of **Application No. 09/037,524, filed March 10, 1998**, which is **pending**.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Filed (Day/Mo./Yr.)	Priority Claimed
None			

**POWER OF ATTORNEY**

I hereby appoint: Joseph M. Fitzpatrick (Registration No. 17,398), Lawrence F. Scinto (Registration No. 18,973), William J. Brunet (Registration No. 20,452), Robert L. Baechtold (Registration No. 20,860), John A.

O'Brien (Registration No. 24,367), John A. Krause (Registration No. 24,613), Henry J. Renk (Registration No. 25,499), Peter Saxon (Registration No. 24,947), Anthony M. Zupcic (Registration No. 27,276), Charles P. Baker (Registration No. 26,702), Stevan J. Bosses (Registration No. 22,291), Edward E. Vassallo (Registration No. 29,117), Ronald A. Clayton (Registration No. 26,718), Lawrence A. Stahl (Registration No. 30,110), Laura A. Bauer (Registration No. 29,767), Leonard P. Diana (Registration No. 29,296), Nicholas N. Kallas (Registration No. 31,530), William M. Wannisky (Registration No. 28,373), Lawrence S. Perry (Registration No. 31,865), Robert H. Fischer (Registration No. 30,051), Christopher Philip Wrist (Registration No. 32,078), Gary M. Jacobs (Registration No. 28,861), Michael K. O'Neill (Registration No. 32,622), Bruce C. Haas (Registration No. 32,734), Scott K. Reed (Registration No. 32,433), Scott D. Malpede (Registration No. 32,533), Fredrick M. Zullo (Registration No. 32,452), Richard P. Bauer (Registration No. 31,588), Warren E. Olsen (Registration No. 27,290), Abigail F. Cousins (Registration No. 29,292), Steven E. Warner (Registration No. 33,326), Thomas J. O'Connell (Registration No. 33,202), David L. Schaeffer (Registration No. 32,716), Jack S. Cubert (Registration No. 24,245), Mark A. Williamson (Registration No. 33,628), Jean K. Dudek (Registration No. 30,938), Raymond R. Mandra (Registration No. 34,382), Dominick A. Conde (Registration No. 33,856), Steven C. Bauman (Registration No. 33,832), Pasquale A. Razzano (Registration No. 25,512), John W. Behringer (Registration No. 23,086), John D. Carlin (Registration No. 37,292), Jack M. Arnold (Registration No. 17,739), Daniel S. Glueck (Registration No. 37,838), Brian L. Klock (Registration No. 36,570), T. Thomas Gellenthien (Registration No. 39,683), and Sean W. O'Brien (Registration No. 37,689) as our attorneys with full power of substitution, to prosecute this application and transact all business with the United States Patent and Trademark Office connected therewith.

Address all written correspondence to:

**FITZPATRICK, CELLA, HARPER & SCINTO**  
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Address telephone inquiries to our Washington, D.C. office, as follows:

Docket No. : **1039.2500CIP**  
Warren E. Olsen (Reg. No. 27,290)  
Telephone No. : 202-530-1010  
Facsimile No. : 202-530-1055

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code application or any patent issued thereon.

Inventor : **THERESA C. WHITE**

Inventor's signature: *Theresa C. White*

Date : October 20, 1999      Citizenship: United States of America

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Inventor : **SYLVIA McHUGH**

Inventor's signature: *Sylvia C. McHugh*

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Inventor : **CHRISTOPHER D. HINDLE**

Inventor's signature: *Chris D. Hindle*

Date : October 20, 1999      Citizenship: Canada

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